

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:) Chapter 11
)
EBRO REAL ESTATE HOLDING, LLC) Judge Eugene Wedoff
)
Debtor) Case No. 09-10104
)
EBRO REAL ESTATE HOLDING, LLC)
)
Plaintiff,)
)
vs.) Adversary No. 09-782
)
BANK OF AMERICA, N.A. (successor by)
Merger to LaSalle Bank National Association))
) Hearing: 11/24/2009 at 10:00 A.M.
Defendant.)

NOTICE OF MOTION

To: See attached service list

PLEASE TAKE NOTICE that I will appear on November 24, 2009 at 10:00 a.m., before the Honorable Eugene R. Wedoff, or any other Judge sitting in his stead, in Courtroom 744, Dirksen Federal Building, 219 S. Dearborn St., Chicago, IL, and will then and there present Debtor's MOTION FOR LEAVE TO AMEND ITS ADVERSARY COMPLAINT PURSUANT TO RULE 15 OF THE FEDERAL RULES OF CIVIL PROCEDURE, at which time and place you may appear and be heard.

/s/ Forrest L. Ingram
One of Debtor's attorneys

Forrest L. Ingram, P.C.
Forrest L. Ingram #3129032
79 W. Monroe St., Suite 900
Chicago, IL 60603
(312) 759-2838

CERTIFICATE OF SERVICE

I, Vik Chaudhry, an attorney, certify that I caused a true and correct copy of the above and foregoing Amended Notice and the document, to which it refers, on all parties entitled to service, by electronic filing through ECF, or by regular U.S. mail, or fax, as set forth on the attached service list, on November 17, 2009.

/s/Vik Chaudhry

SERVICE LIST

Via ECF & Facsimile

U.S. Trustee

William T Neary

Office of the U.S. Trustee, Region 11

219 S Dearborn St, Room 873

Chicago, IL 60604

(312) 886-5794

Bank of America

Robert D Nachman

Dykema Gossett PLLC

10 S. Wacker Dr.

Suite 2300

Chicago, IL 60606

312.627.2302 (fax)

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BANK OF AMERICA, N.A. (successor by)	
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**DEBTOR'S MOTION FOR LEAVE TO AMEND ITS ADVERSARY
COMPLAINT PURSUANT TO RULE 15 OF THE
FEDERAL RULES OF PROCEDURE**

Plaintiff EBRO REAL ESTATE HOLDING, LLC., Debtor and Debtor in Possession, ("Ebro RE" or "Debtor"), by its attorneys, moves for leave to amend its adversary complaint, and in support thereof, states as follows.

1. On August 26, 2009, Debtor filed its Adversary Complaint No. 09-782 against Defendant Bank of America ("Bank of America").
2. On October 1, 2009, Bank of America filed a Motion to Dismiss the Adversary Complaint.
3. Pursuant to Rule 15 of the Federal Rules of Civil Procedure ("Rule 15"), incorporated into Bankruptcy proceedings through Rule 7015 of the Federal Rules of Bankruptcy Procedure, "a party may amend its pleading only with the opposing party's

written consent or the court's leave. The court should freely give leave when justice so requires."

4. Debtor inadvertently left out information, in its Adversary Complaint, necessary to establish the claims alleged in its Complaint.

5. Debtor has only filed one Adversary Complaint against Bank of America and has not yet asked for leave to amend the Adversary Complaint.

6. Furthermore, the Northern District of Illinois has established that "the rule governing leave to amend a complaint reflects a liberal attitude towards the amendment of pleadings, a liberality consistent with and demanded by the preference for deciding cases on the merits." Duthie v. Matria Healthcare, Inc., 254 F.R.D. 90, 94 (N.D. Ill. 2008).

7. The proposed Amended Adversary Complaint is attached hereto as **Exhibit A**.

WHEREFORE, Debtor Ebro Real Estate Holdings, LLC respectfully requests leave to amend its Adversary Complaint against Bank of America, and also requests such other and further relief as this Court may deem just.

Respectfully submitted,

EBRO REAL ESTATE HOLDING, LLC

By:

/s/ Forrest L. Ingram
One of its attorneys

Forrest L. Ingram, #3129032
FORREST L. INGRAM, P.C.
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